

Order Denying Plaintiff's Motion for Preliminary Injunction
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1 that irreparable injury was likely to obtain a preliminary injunction. *Id.* at 375. Where the Court
2 concludes the movant has failed to show a likelihood of success on the merits, in its discretion, it
3 need not consider whether the movant would suffer irreparable injury. *Guzman v. Shewry*, 552
4 F.3d 941, 948 (9th Cir. 2009).

5 Here, Plaintiff has not made an adequate showing of his likelihood to succeed on the
6 merits of this action. Indeed, Plaintiff's motion does not discuss the allegations made in his
7 complaint at all, much less argue that he is likely to succeed on the merits. *See Winter*, 129 S.
8 Ct. at 374. The Court concludes that Plaintiff has failed to meet his burden of demonstrating a
9 likelihood of success on the merits, and that this ground alone is sufficient to deny Plaintiff's
10 motion for a preliminary injunction. *See Guzman*, 552 F.3d at 948.

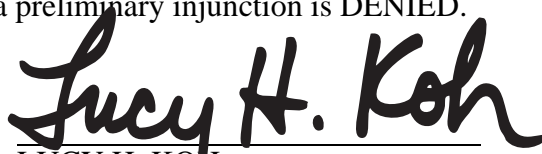
11 In addition, a preliminary injunction may be granted only when the "intermediate relief
12 [is] of the same character as that which may be granted finally." *De Beers Consol. Mines v.*
13 *U.S.*, 325 U.S. 212, 220 (1945). Here, the focus of Plaintiff's requested interim relief as stated in
14 his motion is unrelated to Plaintiff's pending due process claim stemming from his indeterminate
15 placement in the SHU. *See, e.g., Kaimowitz v. Orlando, Fl.*, 122 F.3d 41, 43 (11th Cir. 1997)
16 ("A district court should not issue an injunction when the injunction in question is not of the
17 same character, and deals with a matter lying wholly outside the issues in the suit"); *Omega*
18 *World Travel v. TWA*, 111 F.3d 14, 16 (4th Cir. 1997) ("The purpose of interim equitable relief
19 is to protect the movant, during the pendency of the action, from being harmed or further harmed
20 in the manner in which the movant contends it was or will be harmed through the illegality
21 alleged in the complaint."); *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994) ("a party
22 moving for a preliminary injunction must necessarily establish a relationship between the injury
23 claimed in the party's motion and the conduct asserted in the complaint") (per curiam).

24 CONCLUSION

25 Accordingly, Plaintiff's motion for a preliminary injunction is DENIED.

26 IT IS SO ORDERED.

27 DATED: 7/1/11

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LUCY H. KOH
United States District Judge